

# COMMITTEE REPORT

## MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1040, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, line 4, after "may" insert "**, if the protected person has**
- 2           **been found by the court to lack testamentary capacity,".**
- 3           Page 2, line 11, after "ascertained." insert "**If the protected person**
- 4           **has a will, the protected person's distribution of assets under the**
- 5           **will is prima facie evidence of the protected person's intent.".**

(Reference is to HB 1040 as printed February 6, 2009.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 6, Nays 0.

---

Bray

Chairperson